

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ANN M. GALLOWAY,

Plaintiff,

vs.

Civ. No. 14-00022 KG/KBM

MORTGAGE STRATEGIES GROUP, LLC;  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION AS TRUSTEE FOR  
SECURITIZED TRUST FANNIE MAE  
REMIC TRUST 2007-82; FANNIE MAE;  
TIMOTHY MAYOPOULOS, individually;  
JP MORGAN CHASE BANK, NA; JAMIE  
DIMON, individually; BRIAN MCWHORTER,  
individually; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEM, aka "MERS";  
BILL BECKMANN, individually; and DOES  
1 THROUGH 100, INCLUSIVE,

Defendants.

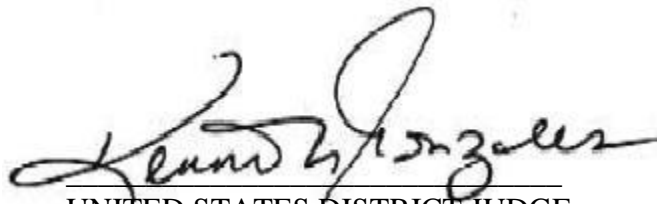
ORDER

This matter comes before the Court upon Plaintiff's Amended Verified Motion to Strike Defendants' Answer-Objections to Report and Recommendations (Amended Motion to Strike), filed on January 2, 2015. (Doc. 63). Defendants JP Morgan Chase Bank, N.A., Federal National Mortgage Association, Fannie Mae, Jamie Dimon, Timothy Mayopoulos, Brian McWhorter, and Mortgage Electronic Registration System aka "MERS" filed a response on January 16, 2015, and Plaintiff filed a reply on January 26, 2015. (Docs. 64 and 65). Having considered the Amended Motion to Strike and the accompanying briefs, the Court denies the Amended Motion to Strike.

Plaintiff's Amended Motion to Strike will be denied for two reasons. First, the Amended Motion to Strike is procedurally improper because Plaintiff seeks to strike Chief Magistrate Judge Karen Molzen's Proposed Findings and Recommended Disposition and two briefs filed by

certain Defendants. *See* (Doc. 63 at 2) (requesting to strike (Docs. 57, 60, and 61)). The Federal Rules of Civil Procedure only allow for motions to strike pleadings. *See* Fed. R. Civ. P. 12(f). Pleadings do not include proposed findings and recommended dispositions or briefs. Fed. R. Civ. P. 7(a) (1-7). Second, Plaintiff failed to obtain the position of the opposing parties prior to filing her Amended Motion to Strike in violation of the Local Rules. Local Rule 7.1(a) requires that a “[m]ovant must determine whether a motion is opposed and a motion that omits recitation of a good-faith request for concurrence may be summarily denied.”

IT IS, THEREFORE, ORDERED that Plaintiff’s Amended Verified Motion to Strike Defendants’ Answer-Objections to Report and Recommendations (Doc. 63) is denied.



UNITED STATES DISTRICT JUDGE